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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,519	11/19/2005	Shusaku Shibasaki	OT-5302	8801
7590 Lisa A Bongiovi Otis Elevator company Intellectual Property Dept Ten Farm Springs Farmington, CT 06032			EXAMINER PICO, ERIC E	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/557,519

Applicant(s)

SHIBASAKI ET AL.

Examiner

Eric Pico

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- ☐ Notice of Informal Patent Application
- ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim(s) 8 and 10-12 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Ammon U.S. Patent No. 6006865.

3. **Regarding claim 8**, Ammon discloses an elevator comprising: a car 2 is guided in a shaft 1 to move vertically along a pair of first guide rails 6, 8 between which the car 2 is arranged; a counterweight 3 is guided to move vertically via a pair of second guide rails 6, 7 between which the counterweight 3 is arranged; a drive rope 5 that connects the car 2 and the counterweight 3 is wound on the drive sheave 4.1 of a hoist 4 so that as the drive sheave 4.1 is driven to rotate, the car 2 and the counterweight 3 move vertically in opposite directions, wherein the first guide rails 6, 8 are arranged at approximately diagonal positions with the car 2 therebetween, shown in Figure 3.

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4. **Regarding claim 10**, Ammon discloses the hoist 4 is arranged between an inner wall, shown as the ceiling or top wall, of the shaft 1 and a space for the vertical movement of the car 2 as well as a space extending therefrom, shown in Figure 1.

5. **Regarding claim 11**, Ammon discloses a deflector wheel 13, 14 is arranged on the drive rope 5 between the hoist 4 and the car 2 and/or between the hoist 4 and the counterweight 3, shown in Figures 1 and 2.

6. **Regarding claim 12**, Ammon discloses a car frame that contains the car has an approximately rectangular parallelepiped form.

7. Claim(s) 8, 10, 12, and 14 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Ach U.S. Publication No. 2004/0262087.

8. **Regarding claim 8**, Ach discloses an elevator comprising: a car 12 is guided in a shaft 11 to move vertically along a pair of first guide rails 18 between which the car 12 is arranged; a counterweight 15 is guided to move vertically via a pair of second guide rails 19 between which the counterweight 15 is arranged; a drive rope 13 that connects the car 12 and the counterweight 15 is wound on the drive sheave 16.1 of a hoist 14 so that as the drive sheave 16.1 is driven to rotate, the car 12 and the counterweight 15 move vertically in opposite directions, wherein the first guide rails 18 are arranged at approximately diagonal positions with the car 12 therebetween, shown in Figure 1B.

9. **Regarding claim 10**, Ach discloses the hoist 14 is arranged between an inner wall of the shaft and a space for the vertical movement of the car 12 as well as a space extending therefrom, shown in Figure 1A.

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10. **Regarding claim 12**, Ach discloses a car frame that contains the car has an approximately rectangular parallelepiped form.

11. **Regarding claim 14**, Ach discloses the drive rope 50 is fiat with a rectangular cross section, shown in Figure 17.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim(s) 9 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ach U.S. Publication No. 2004/0262087 in view of Sasaki U.S. Publication No. 2001/0040071.

14. **Regarding claim 9**, Ach discloses a support member 9 is arranged near the upper end of the first guide rail 18 on the side opposite the hoist 14 with respect to the car 12 between the pair of first guide rails 18 arranged at approximately diagonal positions with the car 12 arranged between them, the support member 9 supports one end of the drive rope 13.

15. Ach is silent concerning a support member is arranged in cantilevered configuration, the support member supports the upper sheave of a car overspeed governor.

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16. Sasaki teaches a support member 18 is arranged in cantilevered configuration near the upper end of a first guide rail 5a, the support member 18 supports the upper sheave 15 of a car overspeed governor 13.

17. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the support member disclosed by Ach in cantilevered configuration and support the upper sheave of a car overspeed governor to provide an emergency stop means in the event of an overspeed of the elevator car.

18. Claim(s) 13 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Ach U.S. Publication No. 2004/0262087 in view of Cilderman et al. U.S. Patent No. 4793441.

19. **Regarding claim 13**, Ach is silent concerning a third guide rail is arranged as a derailment prevention means for preventing the car from derailing from the pair of first guide rails.

20. Cilderman et al. teaches a third guide rail 40 is arranged as a derailment prevention means for preventing the car 2 from derailing from the pair of first guide rails 16.

21. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange a third guide rail as taught by Cilderman et al. to the elevator disclosed by Ach to prevent derailing from the pair of first guide rails and facilitate the travel of the car.

Conclusion

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22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mustalahti U.S. Patent No. 6830131, Nakagaki et al. U.S. Patent No. 6598707.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589.

The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP



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